

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE JOSEPH AND FLORENCE KADLUBEK
REVOCABLE TRUST,

Plaintiff,

vs.

No. CIV 09-0325 JB/RHS

4401 MENAUL, LLC, a New Mexico
limited liability company, PRIME PROPERTIES,
LLC, a New Mexico limited liability company,
PETERSON PROPERTIES REAL ESTATE
SERVICES, INC., a New Mexico corporation,
and JOHN DOES I & II,

Defendants.

4401 MENAUL, LLC,

Counter-Plaintiff

vs.

THE JOSEPH AND FLORENCE KADLUBEK
REVOCABLE TRUST,

Counter-Defendant.

4401 MENAUL, LLC,

Third-Party Plaintiff,

vs.

DE WETTER HOVIOUS, INC.,

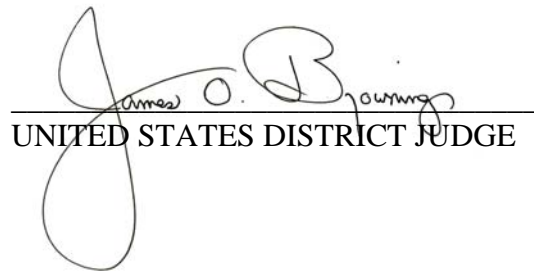
Third-Party Defendant.

ORDER

THIS MATTER comes before the Court on Third-Party Defendant de Wetter Hovious,

Inc.'s Motion to Compel Production of Documents from Third-Party Defendant 4401 Menaul, LLC, filed November 2, 2009 (Doc. 47). The Court held a hearing on December 17, 2009. At that time, the parties submitted the withheld documents to the Court for *in camera* review. The primary issue is whether the work-product doctrine protects from disclosure any of the challenged documents. After reviewing the submitted documents, the Court concludes that the documents were not prepared in anticipation of litigation and that the work-product doctrine does not apply to them. The Court therefore orders that Defendant 4401 Menaul, LLC disclose the documents to Third-Party Defendant de Wetter Hovious, Inc.

IT IS ORDERED that Third-Party Defendant de Wetter Hovious, Inc.'s Motion to Compel Production of Documents from Third-Party Defendant 4401 Menaul, LLC is granted and that 4401 Menaul, LLC must disclose to de Wetter Hovious, Inc. the documents that the Court was asked to review *in camera*.



UNITED STATES DISTRICT JUDGE

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Counter Claimant, and Third-Party Plaintiff 4401 Menaul, LLC*

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